



The Federal Rules of Civil Procedure provide that a party may file specific written objections to the proposed findings and recommendations of a magistrate judge, and a district judge must conduct a *de novo* review of any part of the R&R that has been properly objected to. *See* Fed. R. Civ. P. 72(b)(2), (3); 28 U.S.C. § 636(b)(1). Here, however, because Plaintiff did not file any objections to the R&R – which explicitly stated that parties’ “failure to file timely objections will constitute a waiver of their appellate rights” (Docket No. 65 at 14) – we review the magistrate judge’s decision for plain error. *See Brightwell v. Lehman*, 637 F.3d 187, 193 (3d Cir. 2011) (citing *Nara v. Frank*, 488 F.3d 187, 194 (3d Cir. 2007)); *see also* Fed. R. Civ. P. 72(b), Advisory Committee Notes, 1983 Addition (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citing *Campbell v. U.S. Dist. Ct.*, 501 F.2d 196, 206 (9th Cir. 1974), *cert. denied*, 419 U.S. 879 (1974))).

In this case, upon careful review of the R&R, the motion and documents filed in support thereof, and the entire record, the Court, finding no plain error on the face of the record, will accept Judge Dodge’s recommendation. As such, the Court will adopt the R&R as the Opinion of the Court and will grant Defendant’s Motion for Summary Judgment.

Accordingly, in view of the foregoing, the Court enters the following Order:

AND NOW, this 16<sup>th</sup> day of August, 2022,

IT IS HEREBY ORDERED that the R&R (Docket No. 65) is ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendant’s Motion for Summary Judgment (Docket No. 59) is GRANTED for the reasons set forth in the R&R.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed.

/s/ W. Scott Hardy

W. Scott Hardy

United States District Judge

cc/ecf: All counsel of record  
Stefon D. Wilson (via U.S. Mail)